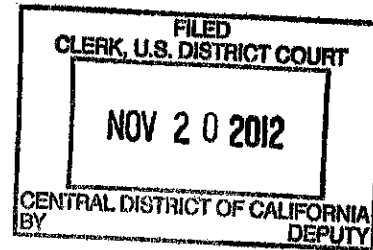


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11
12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15 **CV12-09933** JEM

16 Nikhil Aggarwal,

Case No.:

17 Plaintiff,

COMPLAINT FOR DAMAGES

18
19 vs.

JURY TRIAL DEMANDED

20 Regal Medical Group, Inc.; and DOES 1-
21 10, inclusive,

22 Defendants.
23
24
25
26
27
28

1 For this Complaint, the Plaintiff, Nikhil Aggarwal, by undersigned counsel,
2 states as follows:
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Telephone
6 Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
7

8 2. This Court has original jurisdiction over Plaintiff's TCPA claims. *Mims v.*
9 *Arrow Fin. Serv., LLC*, 132 S.Ct. 740 (2012).
10

11 3. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

12 4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that
13 Defendants transact business here and a substantial portion of the acts giving rise to
14 this action occurred here.
15

16 **PARTIES**

17 5. The Plaintiff, Nikhil Aggarwal (hereafter "Plaintiff"), is an adult
18 individual residing in Woodland Hills, California.
19

20 6. The Defendant, Regal Medical Group, Inc., (hereafter "Regal" or
21 "Defendants"), is a corporation with a principal place of business at 3115 Ocean Front
22 Walk #301, Marina Del Rey, California 90292.
23

24 7. Does 1-10 (the "Agents") are individual agents and/or employees
25 employed by Defendants and whose identities are currently unknown to Plaintiff. One
26
27
28

1 or more of the Agents may be joined as parties once their identities are disclosed
2 through discovery.
3

4 8. Defendants at all times acted by and through one or more of their Agents.
5

6 **FACTS**

7 9. Defendants contacted Plaintiff's residential telephone number xxx-xxx-
8 2603, using an automated telephone dialer system with a fax type beeping sound
9 (hereafter "Robocalls").
10

11 10. Defendants placed Robocalls to Plaintiff telephone at an excessive and
12 harassing rate, placing sometimes up to fifteen (15) calls per day, at all hours of day
13 and night.
14

15 11. Plaintiff has no prior business relationship with Regal and never provided
16 Defendants with his telephone number or contact information.
17

18 12. Plaintiff never requested to Regal either by agreement or otherwise that he
19 be contacted.
20

21 13. Plaintiff's telephone number is on the National Do Not Call Registry.
22

23 **COUNT I**
24 **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –**
25 **47 U.S.C. § 227, et seq.**

26 14. The Plaintiff incorporates by reference all of the above paragraphs of this
27 Complaint as though fully stated herein.
28

1 22. The telephone calls made by the Defendants to Plaintiff were so persistent
2 and repeated with such frequency as to be considered, “hounding the plaintiff,” and, “a
3 substantial burden to her existence,” thus satisfying the Restatement of Torts, Second,
4 § 652B requirement for an invasion of privacy.
5

6 23. The conduct of the Defendants in engaging in the illegal collection
7 activities resulted in multiple invasions of privacy in such a way as would be
8 considered highly offensive to a reasonable person.
9

10 24. As a result of the intrusions and invasions, the Plaintiff is entitled to actual
11 damages in an amount to be determined at trial from the Defendants.
12

13 25. All acts of the Defendants and its agents were committed with malice,
14 intent, wantonness, and recklessness, and as such, the Defendants are subject to
15 punitive damages.
16

17
18 **PRAYER FOR RELIEF**

19 WHEREFORE, the Plaintiff prays that judgment be entered against the named
20 Defendants, jointly and severally:

21 A. Statutory damages of \$500.00 for each violation pursuant to 47 U.S.C. §
22 227(b)(1)(B);
23

24 B. Treble damages for each violation determined to be willful or intentional
25 pursuant to 47 U.S.C. § 227(b)(1)(B); and
26

27 C. Such other and further relief as may be just and proper.
28

TRIAL BY JURY DEMANDED ON ALL COUNTS

DATED: November 14, 2012

TAMMY HUSSIN



By: _____
Tammy Hussin, Esq.
Lemberg & Associates, LLC
Attorney for Plaintiff, Nikhil Aggarwal

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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Nikhil Aggarwal

PLAINTIFF(S)

v.

Regal Medical Group, Inc.; and DOES 1-10,
 inclusive,

DEFENDANT(S).

CASE NUMBER

CV12-09933 JEM

SUMMONS

TO: DEFENDANT(S): Regal Medical Group, Inc.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Tammy Hussin, of counsel Lemberg & Associates, whose address is 6404 Merlin Drive, Carlsbad, CA 92011. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

NOV 20 2012

Dated: _____

Clerk, U.S. District Court

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].